



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Wednesday, November 6, 2019

6:00 PM

City Council Chambers

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630 E. Hopkins

### I. Call To Order

**With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:03 p.m. Wednesday, November 6, 2019 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.**

### II. Roll Call

**Present:** 7 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Mayor Jane Hughson, Council Member Ed Mihalkanin, Council Member Joca Marquez and Council Member Mark Rockeymoore

### III. Invocation

**Pastor Dominic Encinias, with the Heart Church provided this evening's invocation.**

### IV. Pledges Of Allegiance - United States And Texas

**5th Grader Madeleine Tureaud with the San Marcos Preparatory School led the Assembly in the pledges of allegiance.**

### V. 30 Minute Citizen Comment Period

**Peter Vogt, addressed the Council as a resident of San Marcos and a member of MOVE SM. He spoke about the Workforce and Affordable Housing. He provided that he has made under \$35,000 per year his entire working life. He stated that the housing plan as it currently reads offers a path for private expansion of housing types into existing neighborhoods. People that are anti-housing development claim that more diverse housing will kill neighborhoods. He works at the University and there are registered students on almost every street in the City. San Antonio Street is full of small apartment units and lots of non-family dwellings. Many of these are occupied by students. There are some very vocal anti-housing advocates but also a silent majority that want and deserve housing. He stated that the future of this city will benefit from diverse housing.**

**Roland Saucedo, 211 Ebony Street, thanked the Council for their time and**

service and thanked Mr. Vogt for his comments. He was saddened to see that Item #35 was placed as a discussion and not an action item. He stated that it is becoming a pattern that we come up with a good plan and citizens assist in giving input. The Historical Resources Survey hasn't been approved and neither has the Small Area Plans. He provided his experience as a member of the Workforce Housing Task Force. He stated this is a set of ideas and the that the next task force or Council will create how these programs will actually work. He hopes that Council gets all three components adopted and expressed the importance of guiding our future community. He stated that Fredericksburg is having a problem with incompatible housing right next to each other. He really hopes that the Council will take into consideration how important and to prioritize these items. He stated that this is community driven and not staff driven.

Sara Lee Underwood Myers, requested that Item #30 be postponed because the residents of Hills of Hays do not know how this will impact them. She asked if the developers would present to the Council of Neighborhood Association (CONA) so some of the fears can be addressed.

Esther Garcia, spoke about Item #35 and stated that she is concerned with the amount of time that it will take to get this passed and implemented. She highly recommends that the Council move quickly to get this action plan adopted to protect the development of our community. She stated her concerns about dips and drainage cuts in the Guadalupe subdivision.

Jason Roberts, addressed the Council about Item #21, the de-annexation of Windemere Ranch. He stated that he has been a long time San Marcos area resident. He stated that he lives on the land he owns across from the ranch. He stated that his family bought the ranch to prevent the dense development. He stated that they have had the property for 5 years and that they have been talking about ways to earn money to help pay for the property. He stated that they want to do a wedding venue and it will save him \$4 million by it staying in the ETJ. He would like to postpone this item and come back after he gets Staff support.

Laura Dupont, spoke as the chair for the Workforce Housing Taskforce, she stated that their members did a great job of bringing a variety of perspectives. On September 24th, the action plan was brought before the Planning and Zoning Commission for approval. This is simply a plan that outlines strategies to be used to create affordable housing in our community. If adopted, this plan does not obligate future city leaders or change current zoning. She stated

that the majority of the planning commissioners told them why they shouldn't use certain strategies. The arguments were grounded in protecting neighborhoods, and she asked from what? She asked that Council please consider adopting the strategic housing action plan in its entirety. If not please take a look at what is left when we remove the strategies recommended by P&Z, then consider rate of growth, our ability to well fund city programs and ask yourself if this will affect change at any rate for the housing crisis we have in our community. If we continue to let the concerns of a few to outweigh the needs of many, we will fail our entire community. She thanked Council for their consideration and support to address this issue together.

Gloria Salazar, co-chair of the Workforce Housing Taskforce, spoke about her experience with other housing boards in San Marcos. She stated that she took her role seriously and she has seen issue after issue regarding affordable housing in cities all over our nation. There are solutions being made. We really need you to take action and thanked the Pastor that spoke earlier. He used the word wisdom. She it is going to take every bit of Wisdom to review and approve this item. This decision has been presented to Councils in the past and all it has done is get kicked from council to council. This plan will help us address our low-income housing needs in San Marcos. When you took this role, you knew that there were going to be tough decisions. If you do not plan to adopt the Workforce Housing Plan, then please stop misleading the Citizens of San Marcos and remove Workforce housing from your strategic initiatives.

## **PRESENTATIONS**

1. Receive a staff presentation regarding the Community Development Block Grant (CDBG) Mitigation Action Plan, and provide direction to Staff.

Aaron Harris, provided the Council with the Community Development Block Grant (CDBG) Mitigation Action Plan. He stated that this was published in the National Register on August 30, 2019, and explained that San Marcos' allocation was \$24,012,000 and provided that the Action Plan is due March of 2020. Mr. Harris reviewed the rules associated with these monies.

He mentioned that these funds could be used to supplement our existing Disaster Recovery funds. Mr. Harris provided the Council with the Mitigation Action Plan results. Discussion was held regarding the Disaster Recovery riverine project shortfall (\$16 million).

Discussion was held regarding addressing repetitive loss properties. Discussion was held regarding if the funding could be used for reimbursement. Mr. Harris stated that they will be bringing an amendment to the policy to Council in

**December to allow for the reimbursement so that it can be rolled out. A question was asked if these guidelines are going to be the same as Disaster Recovery funding for home repair? The answer was yes. A public meeting is scheduled November 12 in Blanco Gardens.**

## **CONSENT AGENDA**

**A motion was made by Council Member Rockeymoore, seconded by Council Member Mihalkanin, to approve the consent agenda items, with the exception of #13 and 16, which were pulled and considered separately. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

2. Consider approval, by motion, of the following meeting Minutes:
  - A. October 15, 2019 - Work Session Meeting Minutes
  - B. October 15, 2019 - Regular Meeting Minutes
3. Consider approval of Ordinance 2019-33, on the second of two readings, annexing into the City approximately 92.787 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, generally located in the 1900 block of Redwood Road between State Highway 123 and Old Bastrop Road; including procedural provisions; and providing an effective date.
4. Consider approval of Ordinance 2019-34, on the second of two readings, annexing into the City approximately 102.434 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, generally located at 2357 Redwood Road; including procedural provisions; and providing an effective date.
5. Consider approval of Ordinance 2019-35, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 8.534 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, Hays County, Texas, located at the 1600 Block of Redwood Road from "FD" Future Development to "CD-4" Character District - 4, and including procedural provisions.
6. Consider approval of Ordinance 2019-36, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 192.951 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, Hays County, Texas, located at 2357 Redwood Road, from "FD" Future Development and "CD-4" Character District - 4, to "CD-3" Character District - 3, and including procedural provisions.
7. Consider approval of Ordinance 2019-37, on the second of three readings, granting to SiEnergy, LP, d/b/a SiEnergy, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public

rights-of-way of the City of San Marcos, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability; including procedural provisions; providing for approval on three readings of the ordinance; and providing an effective date.

8. Consider approval of Ordinance 2019-38, on the second of two readings, creating a new Water and Wastewater Rate Class for Industrial Water and Wastewater customers inside and outside the City Limits with an average daily usage of over 200,000 gallons that receive water service from a meter 3" or larger; and including procedural provisions.
9. Consider approval of Resolution 2019-211R, approving the award of a construction contract to Jamail & Smith Construction, LP, through the Buyboard Cooperative Purchasing Contract, for the construction of a Distribution Transformer Storage Building in the amount of \$378,584.25; authorizing the City Manager, or his designee, to execute the contract and associated documents on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2019-212R, approving an agreement for the temporary closure of State Right of Way with the Texas Department of Transportation ("TxDOT") authorizing the City to close certain highway exit and entrance ramps along Interstate Highway I-35 to alleviate traffic congestion in connection with retail events, including Black Friday and Tax-Free Weekends, at the City's Outlet Malls; declaring that such activities serve a public purpose; authorizing the City Manager, or his designee, to execute such agreement for these events for both the upcoming year and subsequent years; and declaring an effective date.
11. Consider approval of Resolution 2019-213R, approving the second Change in Service to the contract with Allan Plummer Associates, Inc. (Contract No. 218-394) related to the Sunset Acres Subdivision Improvements to add engineering design services for storm drain, streets and utilities improvement in the amount of \$875,777.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.
12. Consider approval of Resolution 2019-214R, approving amendment number two to the Commercial Ground Lease of Airport Property located at 1837 Airport Drive with Coast Flight Training and Management, Inc. to extend the term of the lease for 18 months through June 30, 2021; authorizing the City Manager or his designee to execute the amendment; and declaring an effective date.
13. Consider approval of Resolution 2019-215R, approving a Lease of Airport Property for Agricultural Use at the San Marcos Regional Airport through August 31, 2020; authorizing the City Manager or his designee to execute the lease; and declaring an effective date.

**A motion was made by Council Member Mihalkanin, seconded by Council Member Rockey Moore, to approve Resolution 2019-215R. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

14. Consider approval of Resolution 2019-216R, establishing new monthly lease rates at the San Marcos Regional Airport by increasing the T-Hangar rental rate to \$225, the T-Shelter rental rate to \$100, and the Storage Facilities rental rate to \$85 to be effective January 1, 2020; and declaring an effective date.
15. Consider approval of Resolution 2019-217R, authorizing the sale of eighteen surplus police cars to the City of Oak Ridge, Texas; finding that such conveyance serves the public purpose of fiscal responsibility for both the City of San Marcos and the City of Oak Ridge; authorizing the City Manager to execute a contract and any and all documents as necessary to transfer title and convey the police cars to the City of Oak Ridge; and declaring an effective date.
16. Consider approval of Resolution 2019-218R, approving the terms and conditions of a combined Interlocal Agreement between the City of San Marcos and the City of Kyle, the City of Buda and Hays County regarding the management and operation of the San Marcos Regional Animal Shelter; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

**A motion was made by Mayor Hughson, seconded by Council Member Derrick, to amend Resolution 2019-218R by including the following language to section 4.1 of the Interlocal Agreement:**

**"The City will provide the Parties a projected cost of services for each Fiscal Year as early as possible, and no later than 120 days before the beginning of such Fiscal Year in order to allow the Parties governing bodies to include the costs of Shelter services in their respective budgets."**

**The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

17. Consider approval of Resolution 2019-219R, approving a Memorandum of Understanding ("MOU") with the Capital Area Rural Transportation System ("CARTS") providing for the City to reimburse CARTS in the amount of \$1,581,318 for certain buses purchased by CARTS for CARTS Regional Interurban Bus Fleet when the City, as the direct recipient, receives the Federal Transportation Grant Funds intended for such bus purchases; authorizing the City Manager, or his designee, to execute the MOU; and declaring an effective date.

18. Consider approval of Resolution 2019-220R, approving an amendment to the contract originally entered into with Nupark, Inc. which is now PassPort Labs, Inc., through a cooperative purchasing agreement with Region 14 Education Service Center as lead agency for the National Cooperative Purchasing Alliance to extend the contract for the provision of mobile license plate recognition software for a one-year period costing an amount not to exceed of \$54,371.13 bringing the total contract amount to \$273,508.63; authorizing the City Manager or his designee to execute the amendment on behalf of the City; and declaring an effective date.
19. Consider approval of Resolution 2019-221R, authorizing a Change of Service to the agreement with Starboard Consulting LLC to provide services related to the integration between Maximo 7.6.1, which tracks work and asset management activities across multiple City departments, and Tyler Technologies, the City's financial system, for use by the Water, Wastewater, and Electric Departments in the amount of \$71,590.00 bringing the total contract amount to \$257,196.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.
20. Consider approval, by motion, of Change Order #2 with T.F. Harper & Associates LP in the amount of \$67,505.94 for the purchase and installation of two covered bus stops on Hutchison Street to support the new stop locations with the Mobility Hub Improvements Project located at 214 E. Hutchison St.

## **PUBLIC HEARINGS**

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-39, disannexing from the City approximately 235 acres of land, also known as Windemere Ranch, generally located at 700 Lime Kiln Road near Sahalee Path; including procedural provisions; and providing an effective date; and consider Ordinance 2019-39, on the first of two readings.

**Mayor Hughson abstained from this item, as she shares a property line with the Windemere Ranch.**

**The applicant requested postponement of this item. A public hearing was included but it was not required.**

**A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to postpone Ordinance 2019-39. The motion carried by the following vote:**

**For:** 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**Abstain:** 1 - Mayor Hughson

22. Receive a Staff presentation and hold the first of two public hearings to receive comments for or against Ordinance 2019-40, reestablishing the juvenile curfew for minors previously established by Ordinance No. 2009-28 and subsequently extended by Ordinance 2012-16; and declaring an effective date; and consider approval of Ordinance 2019-40, on the first of two readings.

**Bob Klett, Interim Police Chief, provided a brief background on the juvenile curfew for minors previously established by Ordinance 2009-28 and subsequently extended by Ordinance 2012-16. There are no changes proposed to the previous ordinance.**

**Mayor Hughson opened the Public Hearing at 8:00 p.m.**

**Those who spoke:**

**Roland Saucedo stated his support of reestablishing this juvenile curfew as long as it is still needed. He suggested to ask about the numbers. He would hate for young adults to be stopped because of they look like juveniles. Is this still relevant?**

**There being no further comments, the Mayor closed the Public Hearing at 8:02 p.m.**

**A motion was made by Council Member Gonzales, seconded by Council Member Derrick, to approve Ordinance 2019-40, on the first of two readings. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

23. Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2019-41 amending Chapter 2 of the San Marcos Development Code to establish a demolition review process, including a minimum waiting period, for the issuance of permits to demolish certain historic-age buildings, and declare an effective date; and consider approval Ordinance 2019-41, on the first of two readings, and provide direction to Staff.

**Abigail Gilfillan, Planning Manager, provided background information regarding the demolition review process.**

**Mayor Hughson opened the Public Hearing at 8:22 p.m.**



**Those who spoke:**

Roland Saucedo, stated he is neutral on this because of concerns he had that have been addressed. He stated that he actually walked two of the phases with the consultants. The main concern is the he doesn't feel it is appropriate that the Historic Preservation Commission should have the power to decide if his property is included in the Historic District Survey. He spoke about a gentleman that has an older home that is not habitable and he would like to knock it down and rebuild in its place. He would hate to see no progress made because they are having to wait. Who is going to help the older homeowners of these older homes?

There being no further comments, the Mayor closed the Public Hearing at 8:26 p.m.

**MAIN MOTION:** a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Prewitt, to approve the Ordinance versions recommended by the Planning and Zoning Commission.

**MOTION TO AMEND:** a motion was made by Council Member Derrick, seconded by Council Member Rockey Moore, to amend Ordinance 2019-41, Section 2.7.4.1 Purpose, Applicability, Exceptions, and Effect, Subsection B. 90-Day Review Period for Certain Buildings. 2. by adding the words "or at least 50 years of age." at the end of the sentence to now read as follows:

2. located outside the Historic Resources Survey boundaries, as amended or supplemented, that is listed on the National Register of Historic Places (NRHP), or a Recorded Texas Historic Landmark (RTHL) or at least 50 years of age."

**The motion carried by the following vote:**

**For:** 4 - Council Member Gonzales, Council Member Derrick, Council Member Marquez and Council Member Rockey Moore

**Against:** 3 - Mayor Pro Tem Prewitt, Mayor Hughson and Council Member Mihalkanin

**MOTION TO RECONSIDER:** a motion was made by Council Member Gonzales, seconded by Council Member Mihalkanin, to reconsider the amendment to Ordinance 2019-41. The motion carried by the following vote:

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

**MOTION TO AMEND:** A motion was made by Council Member Derrick, seconded by Council Member Rockey Moore, to amend Ordinance 2019-41, Section 2.7.4.1 Purpose, Applicability, Exceptions, and Effect, Subsection B. 90-Day Review Period for Certain Buildings. 2. by adding the words “or at least 80 years of age.” at the end of the sentence to now read as follows:

2. located outside the Historic Resources Survey boundaries, as amended or supplemented, that is listed on the National Register of Historic Places (NRHP), or a Recorded Texas Historic Landmark (RTHL) or at least 80 years of age.”

**The motion carried by the following vote:**

**For:** 4 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick and Council Member Rockey Moore

**Against:** 3 - Mayor Hughson, Council Member Mihalkanin and Council Member Marquez

**MAIN MOTION:** to approve Ordinance 2019-41, on the first of two readings, as amended. The motion carried by the following vote:

**For:** 4 - Mayor Pro Tem Prewitt, Council Member Derrick, Mayor Hughson and Council Member Rockey Moore

**Against:** 3 - Council Member Gonzales, Council Member Mihalkanin and Council Member Marquez

## **NON-CONSENT AGENDA**

24. Consider approval of Resolution 2019-209R, approving amendments to the Affordable/Workforce Housing Policy regarding the criteria for approval of applications relating to the Low-Income Housing Tax Credit Program administered by the Texas Department of Housing and Community Affairs; and declaring an effective date.

**A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-209R. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockey Moore

**Against:** 0

25. Consider approval of Resolution 2019-222R, approving the first amendment to the design-build agreement between the City and Flintco, LLC setting the final guaranteed maximum price for the construction of the new Fire Station No. 2 in the amount of \$5,367,405.00; authorizing the City Manager or his designee to execute the amendment on behalf of the City; and declaring an effective date.

**A motion was made by Council Member Derrick, seconded by Council Member Rockeymoore, to approve Resolution 219-222R. The motion carried by the following vote:**

**For:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson and Council Member Rockeymoore

**Against:** 2 - Council Member Mihalkanin and Council Member Marquez

- 26.** Consider approval of Resolution 2019-223R, approving a purchase and sale agreement with Pursuant Ventures Development, LLC providing for the City to purchase approximately 30 acres of land in the vicinity of Centerpoint Road and IH-35 South to be improved with a Multi-Use Sportsplex Facility with eight fields for an estimated price of \$19,875,383.51 funded by bonded indebtedness intended to be paid From Hotel Occupancy Tax Collections and Lease Revenues; approving a lease of such property to SM Baseball Investments, LLC upon closing on the purchase of the property; authorizing the City Manager, or his designee, to execute each of the agreements; and declaring an effective date.

**MAIN MOTION: a motion was made by Council Member Derrick, seconded by Council Member Rockeymoore, to approve Resolution 2019-223R.**

**Steve Parker, Assistant City Manager provided a brief presentation regarding the purchase of approximately 30 acres of land in the vicinity of Centerpoint Road and IH-35 South to be improved with a Multi-Use Sportsplex Facility with eight fields for an estimated price of \$19,875,383.51 funded by bonded indebtedness intended to be paid From Hotel Occupancy Tax Collections and Lease Revenues.**

**Council held discussion and had concerns with naming rights of the facility and concerns regarding early termination of the lease.**

**MOTION TO ENTER EXECUTIVE SESSION: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Mihalkanin, to enter in Executive Session at 10:18 p.m. for Legal Advice and questions pertaining to Economic Incentives on Project World Series. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**Council returned from Executive Session at 10:50 p.m.**

**MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by**

**Mayor Pro Tem Prewitt to amend the Commercial Lease Agreement Section 9. Advertising of the Commercial Lease Agreement by striking the entire section A and replacing it with the following text:**

**"On or before 30 days after the Effective date, Tenant shall solicit proposals from persons and entities to offer compensation for the privilege of naming the Outdoor Premises ("Outdoor Premises Name") to be presented to the Landlord for approval. The Landlord, in its sole discretion, shall have final approval over any such naming privileges, and any associated terms and conditions. The parties shall endeavor to agree to the Outdoor Premises Name on or before 180 days after the Commencement Date. If such approved naming privileges expire before the end of the Term of this Lease, Tenant shall, at least 90 days before such expiration, solicit new proposals for approval by the Landlord as provided above. Tenant shall make an annual payment to the Landlord equal to 20.00% of the annual revenue received by Tenant through the sale of the Outdoor Premises Name."**

**The motion to amend carried by the following vote:**

**For: 7 -** Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against: 0**

**MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Mihalkanin, to amend the Commercial Lease Agreement by adding an additional Section 12 SCHEDULING, FEES AND CITY SPONSORED USE Item G. This will read as follows:**

**G. Tenant shall maintain a complete set of books and records in connection with all events booked for use of the Outdoor Premises. Upon termination of this Lease for any reason, Tenant shall provide to the Landlord copies of all such books and records related to events scheduled to occur after the date of termination of this Lease. Such books and records shall include: i) names and contact information sufficient to enable the Landlord to contact and communicate with the persons or entities that booked the events; ii) information regarding the nature of each event and any known staffing and resources required to host each such event to enable the Landlord to reasonably prepare for and honor the booking for the event, if possible; and iii) an accounting of all deposits received and fees yet to be collected for such events.**

**The motion to amend carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**MOTION TO AMEND: a motion was made by Council Member Derrick, seconded by Council Member Rockeymoore, to amend the Purchase and Sale Agreement by defining the term "Title Company" to "A Title company doing business in San Marcos that is mutually agreeable to the seller and City."**

**The motion to amend carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**MAIN MOTION: to approve Resolution 2019-223R, as amended. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

27. Consider approval of Resolution 2019-224R, approving a release of a Drainage Easement in the Kissing Tree Subdivision in connection with the dedication to the City of an Alternate Permanent Drainage Easement; authorizing the City Manager, or his designee, to execute the release of easement on behalf of the City; and declaring an effective date.

**A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve Resolution 2019-224R. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

28. Consider approval of Resolution 2019-225R, approving a Chapter 380 Economic Development Incentive Agreement with Katerra Construction, LLC to locate an automated building component manufacturing and distribution facility within the Whisper Planned Development District (PDD) located near IH-35 and Yarrington Road, which the agreement provides incentives over ten years in the form of annual refunds of a portion of new property taxes generated from the facility; granting a variance from the PDD Standards to allow parking for the facility in the first layer; rescinding a prior Chapter 380

Economic Development Incentive Agreement with the company approved by Resolution No. 2018-184R; authorizing the City Manager to execute the agreement; and declaring an effective date.

**A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Rockeymoore, to approve Resolution 2019-225R. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

29. Consider the appointment of a City of San Marcos representative to serve on the Hays County Citizens Election Advisory Commission (CEAC), and provide direction to Staff.

**MAIN MOTION: a motion was made by Council Member Gonzales, seconded by Council Member Mihalkanin, to appoint Ruben Garza as the representative on Hays County Citizens Election Advisory Commission (CEAC). The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**MOTION TO RECONSIDER: a motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to reconsider the appointment of Ruben Garza. The motion carried by the following vote:**

**For:** 5 - Mayor Pro Tem Prewitt, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin and Council Member Rockeymoore

**Against:** 2 - Council Member Gonzales and Council Member Marquez

**The appointment of Ruben Garza was approved by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

30. Receive a Staff presentation and consider modifying the conditions imposed by the City Council in order to clarify the Council's intent regarding the location of garages and requirements for front porches when it reversed, on appeal, the decision of the Planning and Zoning Commission to deny a request for Alternative Compliance as to the residential garage parking requirements in Section 7.1.4.1. of the Development Code for a proposed residential development located at 2357 Redwood Road, Hays County, Texas.

**A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Prewitt, to approve the modification of the conditions imposed by the City Council in order to clarify the Council's intent regarding the location of garages and requirements for front porches when it reversed, on appeal, the decision of the Planning and Zoning Commission to deny a request for Alternative Compliance as to the residential garage parking requirements in Section 7.1.4.1. of the Development Code for a proposed residential development located at 2357 Redwood Road, Hays County, Texas.**

**The language will now read: "In no case shall the garage be the front most protrusion of the home, but it may be flush on a maximum of 50% of the homes within the development. For the purposes of this condition, a front porch is considered a protrusion of the home. Where the garages extend past the front façade of the house, the front entry door shall be flush with the façade, and/or not be set back as to cause a recessed entry."**

**The motion to approve carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

- 31.** Receive a Staff update and consider, by motion, the initial authorization of text amendments to the San Marcos Land Development Code to address typographical and technical errors, Historic Preservation Commission Resolutions, and to implement changes related to the 2019 Legislative Session, and provide direction to Staff.

**A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve the initial authorization of text amendments to the San Marcos Land Development Code to address typographical and technical errors, Historic Preservation Commission Resolutions, and to implement changes related to the 2019 Legislative Session. The motion to approve carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

- 32.** Consider approval, by motion, and hold discussion regarding the proposed 2020 City Council Meeting Schedule, and provide direction to Staff.

**MAIN MOTION: a motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to approve the 2020 City Council**

**Calendar.**

**MOTION TO AMEND:** a motion was made by Council Member Mihalkanin, seconded by Mayor Hughson, to amend the calendar by adding the date of December 16, 2020 as a potential date for a runoff canvass. The motion carried by the following vote:

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**MAIN MOTION:** to approve the 2020 Council Calendar, as amended. The motion carried by the following vote:

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

33. Hold discussion regarding the possible amendment of Chapter 2, Article 3, Section 2.069 Absence from meetings in the San Marcos City Code related to absences by members in specific roles on various boards and commissions, and provide direction to Staff.

**Council held a conversation regarding the possible amendment of Chapter 2, Article 3, Section 2.069 Absence from meetings in the San Marcos City Code related to absences by members in specific roles on various boards and commissions. Council consensus is to have Staff bring back an Ordinance that will allow specific roles on various boards and commissions to appoint a designee from their organization in their absence.**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

34. Hold discussion regarding Neighborhood Commission Recommendation Resolution No. 2019-006R recommending that City Council combine Sector 8 and Sector 1 into one sector, and provide direction to Staff.

**Council held discussing regarding Neighborhood Commission Recommendation Resolution No. 2019-006R, recommending that City Council combine Sector 8 and Sector 1 into one sector. Council consensus is to leave Sector 1 and Sector 8 but have one person represent both of these positions.**

35. Hold discussion regarding the proposed Workforce Housing Task Force Strategic



Housing Action Plan, and provide direction to Staff.

**Mr. Lumbreras provided the Council with a brief presentation regarding the Workforce Housing Taskforce Strategic Housing Action Plan. He reviewed Planning and Zoning's recommendations following their review of the Action Plan. Mayor Hughson thanked all of the Staff and Taskforce members that were involved in this process.**

**Abigail Gillfillan reviewed the Planning & Zoning Commission recommended amendments:**

**1. Remove Action D2. Accommodate Growth through Appropriate Zoning**

**The City should pro-actively zone both undeveloped and infill areas in accordance with the Comprehensive Plan to ensure that the capacity for residential growth is in excess of the anticipated population growth instead of relying on each individual project to request zoning.**

**2. Remove Action B1. Development Codes and Zoning Support diverse and vibrant neighborhoods by expanding the types of zoning districts and building types allowed within existing neighborhoods. Use a community driven process with a focus on accommodating residents through all stages of life.**

**3. Remove Action B3. Infill Housing Assistance Assist builders with fee waivers, clear-path permitting, and regulatory incentives like reduced parking or additional units in exchange for permanently affordable housing in pre-identified infill sites.**

**4. Modify Action D1. Opt-In Zoning Overlay Districts to insert the words High and Medium.**

**Create Opt-In zoning districts in High and Medium Intensity Zones that offer an option for increased density and fast tracked permitting in exchange for affordable housing and other community benefits important to those strategic locations.**

**5. Modify Action E4. Remove Regulatory Barriers to Affordable Housing**

**Remove regulatory barriers to affordable housing when developments include a percentage of affordability. Barriers may include:**

- Impact Fees**
- Parking Requirements (Strike This)**
- Height Requirements (Strike This)**
- Maximum Density (Strike This)**
- Requiring full site plan review for projects with 12 units or less**

- Material requirements
- Permit fees

**6. Modify the implementation steps of the Three-Year Action Plan Item.**

**Accommodate Growth through Appropriate Zoning Implementation Steps:**

**\* Identify areas in High and Medium Intensity Zones from the Comprehensive Plan that are vacant or underdeveloped and are appropriate for higher density zoning districts.**

**(STRIKE THIS)\* Utilize a small area planning process in Existing Neighborhoods on the Comprehensive Plan to build community support for zoning districts that provide opportunities for additional diverse housing that fits in to the neighborhood.**

**(STRIKE THIS)\* Proceed with a rezoning in Intensity Zones while ensuring mixed incomes and diverse communities.**

**Ms. Gillfillan provided information on infill zoning and clear path permitting.**

**Mr. Lumbreras provided a suggestion that Council could consider, at a future date, an Ordinance to take action on any of these items.**

**There was a lot of work that was put into this process by citizens and staff and Council would like to dedicate a Work Session to this topic. Staff will bring back this topic during a future work session meeting.**

**EXECUTIVE SESSION (if necessary)**

- 36.** Executive Session in accordance with the following Government Code Section(s):
- A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8. and to receive a staff briefing and deliberate regarding Martindale ETJ Matters.
  - B. Section §551.087 - Economic Development: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8.
  - C. § 551.074 - Personnel Matters: to receive a staff briefing and hold discussion regarding the City Clerk position.

**A motion was made by Council Member Mihalkanin, seconded by Mayor Pro Tem Prewitt, to enter into Executive Session at 11:39 p.m. The motion carried by the following vote:**

**For:** 7 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Hughson, Council Member Mihalkanin, Council Member Marquez and Council Member Rockeymoore

**Against:** 0

**DIRECTION / ACTION FOLLOWING EXECUTIVE SESSION**

37. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8. and to receive a staff briefing and deliberate regarding Martindale ETJ Matters.

B. Section §551.087 - Economic Development: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8.

C. Section § 551.074 - Personnel Matters: to receive a staff briefing and hold discussion regarding the City Clerk position.

**Mayor Hughson made comments on the following items:**

**A. Completed in Work Session and provided direction to Staff**

**B. Provided direction to Staff**

**C. Council has agreed to name Tammy Cook, as Interim City Clerk, and this will be agendized at the next Regular City Council meeting.**

VI. Question and Answer Session with Press and Public.

**None.**

VII. Adjournment.

**Mayor Hughson adjourned the regular meeting of the City Council at 12:30 a.m. Thursday, November 7, 2019.**

**Jamie Lee Case, TRMC, City Clerk**

**Jane Hughson, Mayor**